

THE HONORABLE MICHELLE L. PETERSON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

Joanna Lang, individually and as personal  
representative of the Estate Dick Lang, wife  
and husband and the marital community;  
and Joanna Lang, as guardian and parent of  
the minor children R.L. and C.L.,

Plaintiffs,

v.

Cheryl Strange, individually and as  
Secretary of the Washington State  
Department of Social and Health Services  
(DSHS),

David Stillman, individually and as  
Assistant Secretary of the Economic  
Services Administration (ESA) at DSHS,

Dana Phelps, individually and as Assistant  
Secretary of the Services and Enterprise  
Support Administration (SESA) at DSHS,

Terry Redmon, individually and as Interim  
Director of Vocational Rehabilitation at  
DSHS,

Jane and John Does 1 through 10,  
individually and as employees at DSHS,

Clark County, Washington

Case No.: 3:21-CV-05286-MLP

FIRST AMENDED COMPLAINT FOR  
DAMAGES AND INJUNCTIVE RELIEF

JURY TRIAL

1 City of Vancouver, Washington, a  
2 Municipality,

3 Jon Pfister, individually and official  
4 capacity, Officer Goudschaal, individually  
5 and official capacity, John and Jane Doe  
6 Police Officers 1-10, et. al, in their  
7 individual capacities and as municipal  
8 employees.

9 And,

10 Cowlitz County, Washington

11 City of Kelso, Washington, a Municipality,

12 Sargent Troy Brightbill, individually and  
13 official capacity and Deputy J Hammer,  
14 individually and official capacity as  
15 municipal employees, and John and Jane  
16 Does 1-10, et. al.,

17 And,

18 Dan Hsieh, individually and as Assistant  
19 Attorney General of Washington State,

20 And,

21 Eimiko Murlin and Jeff Ian Murlin,  
22 individually and as a marital community, as  
23 foster parents of C.L.,

24 And,

25 Steve Vallembois and Jimmy Howard,  
26 individually, as foster parents of R.L.,

27 And,

28 Legacy Salmon Creek Hospital, Kimberly  
29 Copeland, MD, Individually, and as an  
30 employee.

And,

1 Beth Kutzera, Individually, and as an  
2 employee of Department of Social and  
3 Health Services,

4 And,

5 Pamela Williams, Individually and as an  
6 employee of the Department of Social and  
7 Health Services,

8 And,

9 Kaytena Gonzalez, Individually, and as an  
10 employee of Department of Social and  
11 Health Services,

12 And

13 Janelle Redmond, Individually, and as an  
14 employee of Department of Social and  
15 Health Services,

16 And,

17 Jennifer L. White, Individually and as an  
18 employee of the Department of Social and  
19 Health Services,

20 And,

21 Sarah Coslow, Individually and as an  
22 employee of the Department of Social and  
23 Health Services,

24 And,

25 J. Aaron Merino, Individually and as an  
26 employee of the Department of Social and  
27 Health Services,

28 And,  
29 \_\_\_\_\_  
30

Jaimee Scheffler, Individually and as an  
employee of the Department of Social and  
Health Services,

And,

Loraine Martinez, Individually, and as an  
employee of the Department of social and  
Health Services,

And,

Court Appointed Special Advocates  
(CASA), Kathy Shirilla, Agent, individually  
and as an Agent for as guardian ad litem,

Defendants.

## **I. INTRODUCTION**

COMES NOW the above-named Plaintiffs, by and through their attorney of record,  
KEVIN L. JOHNSON, P.S., Attorney & Counselor at Law, and for causes of action against the  
above-named Defendants, and state as follows:

1. This is a civil action commenced to vindicate the rights of Plaintiffs Joanna Lang and  
her late husband Dick Lang, as a community and as parents of the minor children R.L and C.L.
2. Plaintiffs sued Defendants here because, due to actions by and omissions by employees  
of the State of Washington, County of Clark, City of Vancouver, Cowlitz County, City of  
Kelso, and Legacy Salmon Creek Hospital, Legacy Salmon Creek Hospital employee  
Kimberly Copeland MD, and CASA Agent, Kathy Shirilla.
3. Department of Social and Health Services (DSHS) and the Washington Attorney  
General's, County of Clark, City of Vancouver, Cowlitz County, City of Kelso, and Legacy  
Salmon Creek Hospital, Kimberly Copeland MD and CASA, Kathy Shirilla, Agent,

1 who ignored their legal obligations caused Plaintiffs' loss of comfort, love, care, and  
 2 companionship of their children who have special needs, were neglected, and abused in foster  
 3 care for 425 days.

4  
 5 Defendants acted under color of law with the authority of a state, in accordance with the  
 6 policies, customs, and practices of that agency. Instead of honoring familial relationships as  
 7 required, Defendants, deprived Plaintiffs of their right to due process under the United States  
 8 Constitution and the Washington Constitution; negligently removed the children from a non-  
 9 abusive home and placed them in abusive homes; committed fraud; defamed Plaintiff Joanna  
 10 Lang; wrongfully caused the death of Dick Lang; unlawfully discriminated against the Plaintiffs  
 11 based on race and disability; and engaged in illegal racketeering. All these actions resulted in  
 12 irreparable injury to Plaintiffs.  
 13  
 14

## 15 II. JURISDICTION AND VENUE

16  
 17 4. Plaintiffs filed the required claim forms with the Office of Risk Management and  
 18 waited sixty days before commencing this suit as required under RCW 4.92.100 and 4.92.110.  
 19 Exhibits A, B,C & D.

20  
 21 5. The Office of Risk Management and the Attorney General are required to collaborate  
 22 in the investigation, denial, or settlement of such claims. RCW 4.92.210. To date, the State of  
 23 Washington has not communicated with the Plaintiffs to resolve Plaintiffs' claims. Having no  
 24 prospects of resolution from the State of Washington, Plaintiffs filed this lawsuit.

25  
 26 6. Plaintiffs allege violations of their state and federal constitutional due process rights,  
 27 42.U.S.C. § 1983; negligent investigation causing exposure to neglect and maltreatment, RCW  
 28 26.44.050; fraud; defamation; wrongful death, RCW 4.20.010; discrimination, 42 U.S.C. §  
 29 2000d et seq., RCW 49.60.030; civil violation of the Racketeer Influenced and Corrupt  
 30

1 Organization (RICO) Law, 18 U.S.C. §§ 1961-1968. Plaintiffs seek damages and injunctive  
2 relief.

3  
4 7. All acts by the Defendants arose in Clark and Cowlitz Counties in Washington within  
5 the jurisdiction of this Superior Court. Upon information and belief, all Defendants are located,  
6 reside, or do business in Washington, and all the events or omissions giving rise to Plaintiffs'  
7 claims occurred in Washington.  
8

### 9 **III. PARTIES**

10 8. At all relevant times, Plaintiff Joanna Lang, who is the personal representative of the  
11 estate of her late husband Dick Lang and the mother of the minor children C.L. and R.L.,  
12 resided in Vancouver, Clark County, Washington.  
13

14 9. Defendant Clark County is a local government entity in the State of Washington.

15 10. Defendant Cowlitz County is a local government entity in the State of Washington.

16 11. Defendant City of Vancouver is a municipality in the State of Washington.

17 12. Defendant City of Kelso is a municipality in the State of Washington.

18 13. Upon information and belief, at all relevant times, Defendant Cheryl Strange  
19 ("Strange") was Secretary of DSHS, located in Olympia, Washington, acting under color of  
20 law in accordance with DSHS practices and customs, and exercised ultimate supervisory power  
21 over all DSHS employees reside in Washington state. Strange had final responsibility for all  
22 policies, practices, and decisions of DSHS.  
23

24 14. Upon information and belief, at all relevant times, Defendant David Stillman  
25 ("Stillman") was DSHS Assistant Secretary of the Economic Services Administration (ESA)  
26 at DSHS. At all relevant times, Stillman was acting under color of law in accordance with the  
27  
28  
29  
30

1 policies of DSHS, was working under the direction of Defendant Strange, and was exercising  
2 power granted to him by virtue of his work for DSHS and Strange.

3  
4 15. Upon information and belief, at all relevant times, Defendant Dana Phelps (“Phelps”) was DSHS Assistant Secretary of Services and Enterprise Support (SESA). At all relevant  
5 times, Phelps was acting under color of law in accordance with the policies of DSHS, was  
6 working under the direction of Defendant Strange, and was exercising power granted to her by  
7 virtue of her work for DSHS and Strange.  
8  
9

10 16. Upon information and belief, at all relevant times, Defendant Terry Redman  
11 (“Redman”) was DSHS Interim Director of Vocational Rehabilitation Services. At all relevant  
12 times, Redman was acting under color of law in accordance with the policies of DSHS, was  
13 working under the direction of Defendant Strange, and was exercising power granted to him  
14 by virtue of his work for DSHS and Strange.  
15  
16

17 17. Upon information and belief, at all relevant times, Defendants Jane and John Does 1  
18 through 10, to include but not limited to as well as Area Administrator Beth Kutzera, Jennifer  
19 White, Supervisor, CPS Investigators, Kaytena Gonzalez, Janelle Redmond, Pamela Williams,  
20 Loraine Martinez, CSWS Social Workers, Jaimee Scheffler, and Aaron Merino, and Sarah  
21 Coslow, Case Worker for C.L. were employees or agents, acting under color of law in  
22 accordance with the policies of DSHS, were working under direction of Defendant Strange,  
23 Stillman, Phelps, and Redmond and were exercising power granted to them by virtue of their  
24 work for DSHS.  
25  
26

27 18. Upon information and belief, at all relevant times, City of Vancouver Law enforcement  
28 employees, Officer Michael Clylack, Approving Officer, Officer Timothy Lear, Reporting  
29 Officer and Jon Pfister, Reporting Officer, Officer Goudschaal, Assigned Officer, in their  
30

1 collective capacity and as municipal employees, acted with authority granted to them by Clark  
 2 County, City of Vancouver and had final policy making authority or the ability to ratify a  
 3 subordinate's actions.

5 19. Upon information and belief, at all relevant times, C. Solis, Sargent Troy Brightbill,  
 6 Responding and Reporting Sargent and Deputy J Hammer, Responding Deputy are municipal  
 7 employees of Cowlitz County and acted with authority granted to them by Cowlitz County,  
 8 City of Kelso and had final policy making authority and the ability to ratify a subordinate's  
 9 actions.

11 20. Upon information and belief, at all relevant times, Defendant Dan Hsieh ("Hsieh") was  
 12 an Assistant Attorney General for the Washington State Attorney General's Office (AG). At  
 13 all relevant times Hsieh was acting under color of law in accordance with the policies of the  
 14 AG, was working under the direction of the AG, and was exercising power granted to him by  
 15 virtue of his work for the AG.

18 21. Upon information and belief, at all relevant times, Defendants Steve Vallembois  
 19 ("Vallembois") and Jimmy Howard ("Howard"), former foster care parents of R.L., resided in  
 20 Vancouver.

22 22. Upon information and belief, at all relevant times, Eimiko Murlin and Jeff Ian Murlin  
 23 (the "Murlins"), former foster care parents for C.L., resided in Kelso, Washington.

25 23. Upon information and belief, at all relevant times, Kimberly Copeland, MD is an  
 26 employee of Legacy Salmon Creek Hospital on the Child Abuse Assessment Team involved  
 27 in the investigation with the city of Vancouver and DSHS.

24. Upon information and belief, Kathy Shirilla is an agent of CASA providing court appointed guardian ad litem services with a fiduciary duty toward R.L. and C.L. was involved in the investigation with the city of Vancouver and DSHS.

25. Plaintiffs are informed and believe, and thereupon allege, that each of the individual Defendants knowingly and willingly, acting under color of law, individually and collectively, did injure Plaintiffs, and deprived Plaintiffs of their rights, liberties, and interests in the comfort, care, and association with their children C.L. and R.L., as such rights are afforded them under the Washington State Constitution, Washington statutory law, and the United States Constitution, and conspired generally to damage Plaintiffs and inflict great injury upon them.

26. Plaintiffs are informed and believe, and based upon such information and belief, allege that, at all times mentioned herein, the above-mentioned individual defendants (~~collectively, "DSHS Workers"~~) and each of them, were acting within the scope of their employment and under color of law. Defendants ~~DSHS Workers~~ were in their collective capacity and as individuals, acted with authority granted to them by DSHS, Clark County, City of Vancouver, Cowlitz County, City of Kelso, Legacy Salmon Creek Hospital, and CASA.

#### IV. STATEMENT OF THE CASE

27. The Washington Legislature has declared that the family unit is a fundamental resource of American life which should be nurtured. RCW 13.34.020. Under this guiding principle, "the family unit should remain intact unless a child's right to conditions of basic nurture, health, or safety is jeopardized." *Id.* Furthermore, "the bond between a child and his or her parent . . . is

1 of paramount importance, and any intervention into the life of a child is also an intervention  
2 into the life of the parent.” RCW 26.44.010.

3  
4 28. For over 30 years, Dick and Joanna Lang opened their hearts and home to adopt  
5 minority special needs children because that was their calling. The Langs felt that too many  
6 minority special needs children go unclaimed. In 2013, Dick and Joanna adopted R.L. and C.L.  
7 into their home, a loving and nurturing environment that was in the best interests of the  
8 children.  
9

10 29. The Defendants destroyed the Langs’ stable and nurturing home environment on the  
11 night of February 3, 2017, under color of law and without justification, when they seized the  
12 Langs’ children, placed the children in separate foster homes where they were abused and  
13 neglected, and kept them away from the Langs for 425 days.  
14

#### 15 **V. FACTUAL ALLEGATIONS**

16  
17 30. Dick and Joanna Lang adopted C.L. and R.L. in 2011 and 2013 respectfully. The Langs  
18 are white and Jewish. C.L. and R.L. are minority children with special needs. C.L., who was  
19 born in 2011, suffers from Fragile X syndrome. R.L., who was born in 2003, suffers from  
20 intellectual disability. Exhibit E.  
21

22 31. On January 4, 2017, and February 1, 2017, DSHS Child Protective Services (DSHS-  
23 CPS) received telephone referrals alleging that the Langs mistreated R.L. The telephone  
24 referrals were from Holly Lang, a mentally ill family member. Exhibit 1, Intake # 3534736,  
25 Exhibit 2.  
26

27 32. In 2012 Holly Lang was suicidal very animated, screaming very loudly that there the  
28 demons in her head were going to make her do bad things. Holly Lang started hitting herself  
29 in the head with her fists and she screamed the demons were going to get her and she needed  
30

1 to get out of her. She also stated she would kill herself to get away. Holly Lang's incompetence  
 2 became official in October of 2017. Exhibit 1. City of Vancouver Law enforcement  
 3 employees, Officer Michael Clylack, Approving Officer, Officer Timothy Lear, Reporting  
 4 Officer took the report.

6 33. Holly Lang's incompetence was never mentioned by the DSHS, City of Vancouver,  
 7 law enforcement, who knew or should have known, about this crucial information and was  
 8 were in charge of the investigation into the Langs. And Jennifer White Supervisor, who  
 9 authored and published the final decision of DSHS-CPS regarding the issue of negligent or  
 10 maltreatment, never mentioned that Holly Lang was incompetent or her mental issues. Exhibit  
 11 2. Holly Lang was the only witness with personal knowledge of the events that occurred on  
 12 January 4, 2017, and February 1, 2017, referral #3534736. Dan Hsieh, AAG, never called  
 13 Holly Lang to testify at the dependency hearing.

16 34. Vancouver City Police Officer ~~Kim Holland~~ Jon Pfister, Reporting Officer, assigned  
 17 the investigation of intake referral # 3534736 to Officer Goudschaal. The intake police report  
 18 was dated February 3, 2017, the same day that R.L. and C.L. were taken from their home.  
 19 Officer Goudschaal along with and Kaytena Gonzalez, monitored the interview conducted by  
 20 forensic interviewer Kim Holland, of the Child Justice Center (CJC), interviewed with Holly  
 21 Lang by telephone that was recorded (audio and video) on March 16, 2017 at 1030 hours. but  
 22 when Officer Goudchaal followed up the investigation over the next several weeks. Holly  
 23 Lang stated that "she did not want to cooperate" with the investigation. A DSHS Worker  
 24 Kaytena, Gonzalez, CPS Investigator followed up with her Officer Goudchaal with numerous  
 25 emails. Officer Goudchaal reported that the emails are potentially important for background  
 26 information for this case but had no evidentiary value to this case. from but later informed

1 ~~Officer Holland Goudschaal~~ that Holly “was not comfortable with cooperating” with law  
2 enforcement. Exhibit 3.

3  
4 35. The DSHS-CPS Investigator ~~worker~~ Kaytena Gonzalez provided Officer ~~Holland~~  
5 Goudschaal with contact information for other Lang family members, Random Lang, and  
6 Wendy Lang, whom she indicated may have had recent contact with R.L. Officer ~~Holland~~  
7 Goudschaal was unable to reach them. Officer ~~Holland~~ Goudschaal attempted to contact  
8 Wendy Lang on several occasions but was unable to determine her location. Id.

10 36. Wendy Lang, who also resides in Montana, was not in Washington between January 4,  
11 2017 and February 1, 2017, making her, like Holly Lang, an incompetent referent regarding  
12 conditions in the Lang home at those times. Based on these records, the DSHS-CPS  
13 Investigator ~~Workers~~ Kaytena Gonzalez and Vancouver Police Officer Goudschaal  
14 ~~Department~~ knew that Wendy Lang was the witnesses were not an eyewitness to the conditions  
15 in the Lang home or the treatment of R.L. Id.

18 37. Officer ~~Holland~~ Goudschaal reported that there appeared to have been an initial  
19 concern by several family members regarding R.L., but that Officer ~~Holland~~ Goudschaal was  
20 unable to elicit any cooperation from them. Id. C.L. was not mentioned. At this point, Officer  
21 Goudchaal ended his involvement in the case and Jon Pfister approved the report and referred  
22 the case to CJC prosecutor for review and/or charging, thus closing the investigation on March  
23 8, 2017.

26 38. On February 2, 2017 CPS Investigator Kaytena Gonzalez and an armed uniformed  
27 police officer appeared at the Langs front door. The Officer spoke with R.L. and did not take  
28 him into protective custody. See Exhibit 5, Lang Declaration.

39. When leaving the Langs home, CPS Investigator Kaytena Gonzalez handed Ms. Lang a note demanding that Ms. Lang take R.L. to Legacy Salmon Creek ER for a full checkup. Ms. Lang complied. See Exhibit 5, Lang Declaration.

40. Plaintiff Joanna Lang took R.L. to see his regular pediatrician, Dr. Charles Fuchs, on February 2, 2017. Dr. Fuchs did not report any issues with R.L. The DSHS knew about this visit. See Joanna Lang Affidavit ¶¶ 11-13. Exhibit 5. In fact, Dr. Fuchs discussed R.L.'s weight issues. Exhibit 6. Dr. Fuchs possesses sufficient medical expertise to recognize a child who is suffering from negligent treatment or maltreatment. In fact, Dr. Fuchs observed that R.L. was smiling, had more visual interaction between R.L. and Mom and more conversation with both Dr. Fuchs and Mom that he had experienced in the past. R.L. was alert and active, despite his alleged malnutrition. In addition, R.L. was now gaining weight. Id. ¶¶ 12, 13.

41. Dr. Fuchs told Pamela Williams, CPS Social Worker in a follow up telephone call that there was no signs of negligent treatment or maltreatment. Id. ¶ 11. Home School Legal Defense Association (HSLDA) emailed the results of the medical report to AAG Daniel Hsieh. Id at ¶ 10.

42. On February 3, 2017, Assistant Attorney General Hsieh filed for an ex-parte motion and order to remove R.L. from his parents, supported by declarations from DSHS Workers Kaytena Gonzalez Exhibit 9 & 10. Later, C.L. was added to the motion. Exhibit 11. However, the order did not give law enforcement or Kaytena Gonzalez or Jay Redmond the authority to enter the Langs' home or search the premises and take property. At the time of the ex-parte-pick up order—was signed motion, Hsieh, Gonzalez and law enforcement knew about the February 2, 2017 visit from law enforcement and Gonzalez.

43. On Friday, February 3, 2017 at 7 p.m., there was a knock on the Langs' door. Ms. Lang looks out the window and saw four armed uniformed VPD police officers (like a S.W.A.T. team) talking loudly and moving about. The Officers kept banging on Ms. Langs front door. Ms. Lang called HSLDA again HSLDA's Attorney spoke to CPS Investigator Kaytena Gonzalez. Id at ¶ 22. Kaytena Gonzalez handed Ms. Lang a large envelop with papers inside. Law enforcement or DSHS-CPS Investigators, Kaytena Gonzalez or Jay Redmond never asked to have the Joanna Lang to bring R.L. or C.L. to the door to see that there was negligent treatment for maltreatment or imminent danger like the unknown VPD Police Officer who accompanied Gonzalez to the Lang home on February 2, 2017, who observed and spoke to R.L., and decided not to take R.L. into custody. Id. ¶24.

44. Since law enforcement did not have or could not obtain a warrant considering the February 2, 2017 visit, the Langs did not let them in her home and asked them to leave. When leaving, one VPD Officer shouted, "I'll go get a warrant" and then I will come back...I'll kick your door down". This remark was heard by HSLDA because he was still on the phone. Out of fear and intimidation, Ms. Lang let them into her home where the 4-armed VPD Police Officers,(one female) and 3 CPS-Investigators Kaytena Gonzalez, Jay Raymond and Loraine Martinez started to search and took photos then seized R.L. and C.L. Id. ¶ ¶ 26, 27, 28. CPS Investigators made Ms. Lang pack her son's belongings; diapers, medical formula, special diet foods, bedding, clothing and C.L.'s "Gigi". (teddy bear). Id. at ¶ 30. Ms. Lang had her Pentax Camera at the end of the counter, and she turned the camera on. Kayenta Gonzalez turned it off, then grabbed food out of the refrigerator for R.L. When all this was going on, the Police Officers and a CPS Social Worker Loraine Martinez stood by the chase lounge by R.L.'s door then started to round up R.L.'s things. It was frosty outside and R.L. complained of being cold.

1 Ms. Lang told Kaytena Martinez to put on his coat, Martinez just grabbed more of R.L.'s  
 2 belongings after Ms. Lang said no, you cannot take those. Id. ¶ 30.

3  
 4 45. CPS Investigator Kaytena Gonzalez was holding C.L.'s medical formula bottle, Ms.  
 5 Lang had a hold of it too. Martinez told Ms. Lang to take her hand off the bottle or she would  
 6 charge her with felony assault if she tried to take the bottle. Ms. Lang *begged to let C.L. have*  
 7 *his bottle it would comfort him.* Law enforcement was right behind Martinez, so Ms. Lang let  
 8 the bottle go. ¶ 32

9  
 10 46. CPS Investigator Janell Redmond carried C.L. out the door.

11  
 12 47. DSHS-CPS Investigators ~~Workers~~ along with VPD Law Enforcement ~~also~~ took C.L.  
 13 and R.L. to Legacy Salmon Creek Medical Center ~~in~~ for a "child abuse specific" examination  
 14 by Dr. Tam Vounq on February 3, 2017, although neither child had any signs of abuse or  
 15 serious bodily injuries or any other medical concerns. Dr. Vounq determined that both C.L.  
 16 and R.L. were safe to return home. Exhibits 7 & 8.

17  
 18 48. The medical reports show that one of the DSHS-CPS Investigators ~~Workers~~ told Dr.  
 19 Vounq that Joanna Lang had "mental" problems and possible neglect in caring for R.L. and  
 20 C.L." Id.

21  
 22 49. On February 3, 2017, the same day that C.L. and R.L. were snatched from their home,  
 23 DSHS-CPS Investigator ~~Workers~~ Kaytena Gonzalez reported Joanna Lang to Adult Protective  
 24 Services (APS) for alleged abuse of her husband Dick Lang. But APS closed the file after  
 25 deciding that there was no abuse and Mr. Lang did not meet legal criteria of a vulnerable adult.  
 26 Exhibit 12. Later, on June 11, 2018, the Prosecutor's Office found that there was insufficient  
 27 evidence to pursue successful prosecution against Joanna Lang for abuse of Dick Lang. Exhibit  
 28  
 29 13.  
 30

1     50.     On February 5, 2017 Gonzalez arrived at the Langs' front door again and handed  
 2     Joanna Lang two smaller envelope. Inside was a brief letter/note about Family Team Decision  
 3     Meeting (FTDM) the next morning.

4  
 5     51.     On February 6, 2017 Joanna Lang learned about the 72-hour Shelter Care Hearing that  
 6     was supposed to convene on February 7, 2017. She did not received notice of this hearing. She  
 7     was never advised of the purpose of the hearing, any rights, or that they could speak. Ms.  
 8     Murlin, C.L.'s foster parent was at the meeting.

9  
 10    52.     Dr. Kimberly Copeland is an employee of Legacy Salmon Creek Hospital and was  
 11    involved in the investigation with DSHS-CPS and law enforcement. She is a member of the  
 12    Child Abuse Assessment Team (CAAT) ~~the Vancouver Police Department~~ pursuant to a Clark  
 13    County contract to provide forensic medical services to DSHS clients. She evaluated R.L. ~~in~~  
 14    March 7, 2017. Exhibit 14. Dr. Copeland's report indicated that R.L. gained 24 pounds in one  
 15    month after he was removed from the Langs' home. *Id.* Gaining weight is consistent with Dr.  
 16    Fuch's observations that R.L. was gaining weight from his February 2, 2017 visit, but Dr.  
 17    Fuchs allowed R.L. to leave with his Mother. The report also stated that R.L. disclosed being  
 18    isolated in his bedroom daily, having to obtain permission and being escorted to the restroom,  
 19    having accidents due to the bathroom requests not being attended to, daily hunger, and  
 20    reduction in food portions. This part of Dr. Copeland's report conflicted with Dr. Fuch's  
 21    February 2, 2017 examination of R.L. and Dr. Vuong's February 3, 2017 "child abuse specific"  
 22    medical examination at Legacy Creek Medical Hospital of both R.L. and C.L. and opined that  
 23    the children were safe to return home. ~~report regarding R.L. she~~ Kimberly Copeland, MD did  
 24    not evaluate C.L.  
 25  
 26  
 27  
 28  
 29  
 30

53. Dr. Copeland's report concluded that Joanna and Dick Lang failed to act in R.L.'s best interests, failed to provide for R.L.'s needs, and showed a serious disregard for consequences to R.L. of such magnitude that it created clear and present danger to R.L.'s health, welfare, and safety. Dr. Copeland concluded that R.L. had been exposed to negligent treatment and maltreatment. *Id.* This is also inconsistent with two medical reports from Drs. Fuchs and Vuong a month prior. Officer Goudshaal took the entire contents of this record and scanned them into a portable document format (PDF). See Exhibit 2

54. DSHS social workers, placed R.L. with Defendant foster parents Vallembois and Howard on February 3, 2017. On February 5, 2017, Howard stripped searched R.L. looking for injuries or bruises even though Howard knew that R.L. had undergone a child abuse specific exam two days prior on February 3, 2017 Sarah Coslow was the Case Manager.

55. One evening at a restaurant, while R.L. was living in the foster home, Vallembois shouted at R.L., "If you were my kid, I would slap the shit out of you!"

56. On another occasion DSHS Foster Parents, Vallembois, and Howard led R.L. to believe that he was going to a camp for foster kids. Vallembois and Howard took R.L. to Dr. Eisenfeld who gave R.L. a shot before camp without Ms. Langs permission. Later, R.L. found out that the camp was for children or family members with AIDS or HIV. Neither R.L. nor the Lang family have AIDS or HIV. Exhibit 15.

57. On March 30, 2017 Dan Hsieh, AAG motions to suspend all visits with R.L. and C.L. and their "Therapeutic" visits with the Langs. CFWS Aaron Merino and/or CFWS Jaimee Scheffler were supposed to set these up the visits. These visits never happened. R.L. asked for more visits and to see his brother C.L. but the CFWS Aaron Merino and/or CFWS Jaimee Scheffler did not provide the visit between the brothers. R.L. also indicated that he wanted

1 to go home at the 6/9/17, Aaron Merino and/or CFWS Jaimee Scheffler did not record the  
2 request. See Declaration of Joanna Lang, Exhibit 5 ¶s 57,58,59, 60,61.

3  
4 58. Kathy Shirilla, Agent of CASA was the appointed guardian et litem for the Lang  
5 children. She agreed with the state's position and the Langs visitation with their children was  
6 cut in half.

7  
8 59. In a DSHS-CPS decision on April 3, 2017, DSHS-CPS supervisor Jennifer White  
9 concluded that Joanna Lang had negligently treated, and maltreated R.L. Ms. White's decision  
10 never mentioned C.L. Nor did it mention the incompetence of the referent, opinions from Dr.  
11 Fuchs and Dr. Vuong that there was no maltreatment and that the children were safe to go  
12 home on February 3, 2017. Exhibit 2.

13  
14 60. DSHS Workers Area Administrator Beth Kutzera, or Jennifer White, Supervisor,  
15 entered this erroneous decision about the Langs into the DSHS Case Management Information  
16 System (CAMIS), which made Plaintiffs' ineligible to adopt or provide for minority special  
17 needs foster care to children.

18  
19 61. Meanwhile, DSHS social workers placed C.L. with the Murlins. Sarah Coslow was the  
20 Case Manager. The Murlins left C.L. and other foster children unsupervised when an 8-year-  
21 old foster child started a fire that burned the Murlins' home. Because of the fire damage, C.L.  
22 had to reside with the Murlins and other foster children (at least six other people in total) in  
23 motor homes and R.V. where the living space requirements fell well below the standard  
24 required by WAC 110-148-1470, even allowing for emergency accommodation conditions.  
25 Exhibit 16. ~~DSHS Workers~~ Sarah Coshow, Case Manager and Sargent Troy Brightbill, Deputy  
26 J. Hammer, Cowlitz County Sheriffs saw that C.L. was warehoused in an R.V. in overcrowded  
27 conditions and did not act to protect C.L. Sargent Brightbill's report was information only and  
28  
29  
30

1 requested a copy be forwarded to Cowlitz 2 Fire Rescue. Deputy J Hammer found no abuse  
 2 and declared his investigative file inactive.

3  
 4 62. Plaintiff Joanna Lang became afraid that the Murlins were going to kill C.L. Ms. Lang  
 5 sent out a request for review of the placement to DLR/CPS. Ms. Lang reported C.L.'s abusive  
 6 situation to Cowlitz County Sheriff's office on September 13, 2017. The report was received  
 7 by Deputy J Hammer. Sarah Coshow investigated. After her investigation, she indicated to  
 8 Deputy J Hammer that it appeared that the only concern was the bio-parent of the victim (Ms.  
 9 Lang) was potentially looking to fault CPS for negligence regarding the safety of the placement  
 10 of C.L.

11  
 12 63. Ms. Lang also reported two separate incidents where they had visitation (11/21/17 and  
 13 11/29/17) and she described substantial injuries on C.L. The Report was received by Deputy  
 14 J. Hammer who responded and was the responsible law enforcement. Ms. Lang attempted to  
 15 get help from DSHS and Deputy J Hammer, but her reports were either unanswered or  
 16 dismissed and the investigation of J Hammer found no abuse. Ms. Lang again reported child  
 17 abuse on

18  
 19 64. With no help, from Sarah Coshow, Sargent Brightbill, or Deputy Hammer, Ms. Lang  
 20 hired a private investigator (Laura Anderson) to investigate the Murlins. See Lang Declaration  
 21 ¶s 68,69,70. Laura Andersen's report dated December 9, 2017. Exhibit 16-A. Laura  
 22 Andersen's, Investigation became public information because it was filed with the Superior  
 23 Court. It reported indicated that the Murlins were observed traveling over 80 to 90 miles per  
 24 hour with C.L. in the automobile as well as pictures of mobile homes not in compliance with  
 25 the space requirements of DSHS regulations. Exhibit 16A. DSHS-CPS Sarah Coshow, Case

1 Manager did not mention the policy violations or Laura Anderson's report during her  
 2 investigation.

3  
 4 65. The report also had photographs of C.L. by Ms. Lang during DSHS visitations ~~taken~~  
 5 during his residence with the Murlins. The photographs revealed C.L.'s bones protruding from  
 6 his chest, ribs, and back, along with numerous other injuries. Exhibit 16, pgs., 3,4,5. But Sarah  
 7 Coslow had no concerns with C.L.'s safety and Sargent Brightbill or Deputy J Hammond never  
 8 followed up on Ms. Langs complaints, or the independent investigative report and Deputy J  
 9 Hammer found no abuse.

10  
 11 66. Additionally, during the time that C.L. ~~he~~ was removed from his parents, Terry  
 12 Redman ("Redman") was DSHS' Interim Director of Vocational Rehabilitation Services,  
 13 CFWS Aaron Merino and/or CFWS Jaimee Scheffler failed to provide C.L. should have  
 14 received with a wheelchair. Instead, the Social Workers gave C.L.'s wheelchair to a Caucasian  
 15 child. Either way, C.L. never got the wheelchair. Additionally, Dr. Fuchs proscribed a Guide  
 16 Dog to help C.L. to deal with the recent emotional trauma, to date C.L. never received it. ~~C.L.,~~  
 17 ~~also never received a~~ the Guide Dog as ~~recommended~~ prescribed by Dr. Fuchs. Exhibit 18.

18  
 19 67. On May 21, 2018, the Honorable Scott A. Collier denied the State's Dependency  
 20 Petition and R.L. and C.L. It was filed on May 22, 2018. Exhibit 19.

21  
 22 68. R.L and C.L. were reunited with their parents on April 4, 2018, 425 days after DSHS  
 23 removed.

24  
 25 69. Sadly, on June 30, 2019, Mr. Lang succumbed to the stress of the ordeal and passed  
 26 away. Exhibit 20.

27  
 28 **VI. VIOLATION OF STATE AND FEDERAL CONSTITUTIONAL DUE PROCESS**  
 29 **RIGHTS, TITLE 42 U.S.C. § 1983**  
 30

1 70. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs  
2 above as if set forth fully herein.

3 71. It is alleged that the City of Vancouver is liable under § 1983 for deprivations of the  
4 constitutional rights of Langs whose children were removed from their homes because of the  
5 city's policy of resolving ambiguities in child abuse investigations in favor of finding that  
6 abuse occurred despite exculpatory evidence that there were no ambiguities because the  
7 referent was incompetent, did not want to participate in the investigation, and two independent  
8 medical opinions that stated the children were safe to return home on the same day they were  
9 taken, February 3, 2017.

10 72. There are three ways a municipality can be found liable under § 1983. 1) with the  
11 implementation of official policies or established customs inflicts the constitutional injury; 2)  
12 identifying acts and/or omissions, such as a pervasive failure to train the municipality  
13 employees that are so widespread and so permanent and well settled as to constitute a custom  
14 and usage with the force of law; 3) when the person causing the violations has "final policy  
15 making authority" or "if the final policy maker ratified a subordinate's actions."

16 73. At all relevant times, the City of Vancouver employees Officer Michael Clylack,  
17 Approving Officer, Officer Timothy Lear Reporting Officer responded to a call involving  
18 Holly Lang in 2012 where her incompetence was demonstrated. Holly Land was declared  
19 incompetent in December 28, 2017. See, Exhibit 1.

20 74. It is alleged that Jon Pfister, Reporting Officer and Approving Officer and Officer  
21 Goudschaal Assigned Officer were involved in the February 3<sup>rd</sup>, 2017 investigation regarding  
22 the Langs. It is alleged that Jon Pfister, Reporting Officer assigned four armed officers to  
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1 respond to a report of child abuse-neglect on February 3, 2017 at the Langs' home. It is alleged  
2 that Joh Pfister gave the go ahead to respond to the Langs' home.

3  
4 75. It is also alleged that Jon Pfister knew that Holly Lang (the Referent) was incompetent  
5 because of the 2012 police report taken by Officer Michael Clylack, Approving Officer,  
6 Officer Timothy Lear Reporting Officer because it is custom and practice to pass on reports so  
7 a responding officer would know what he is dealing with if a future report involved Holly Lang  
8 was reported for officer safety.

9  
10 76. It is alleged that Joh Pfister, Approving Officer and Dustin Goudshaal, Assigned  
11 Officer and the four-armed police who went to the Langs home February 3, 2017 without a  
12 warrant, were employed by DSHS, They acted within the scope of their employment,  
13 consistently with the implementation of official policy and custom of finding child abuse in  
14 child cases and thus were acting under color of law.

15  
16  
17 77. At all relevant times, Defendants Strange and the DSHS Workers acted pursuant to the  
18 policy of finding abuse in child abuse referrals, and thus were acting under color of law, within  
19 their scope of their employment, consistently with the DSHS custom and policy.

20  
21 78. It is alleged that the actions of the DSHS Workers individually and in concert,  
22 supported, aided, encouraged, reinforced, and protected the actions of other Defendants.  
23 Namely, the City of Vancouver law enforcement, CASA, Agent Kathy Shirilla and Kimberly  
24 Copeland, MD employee of Legacy Salmon Creek Hospital "Legacy" acted in concert in the  
25 deprivation of the Langs constitutional rights to be free from abusive government intervention.

26  
27 79. It is alleged that all Defendants suppressed exculpatory evidence from two Doctors  
28 dated February 2, 2017 and February 3, 2017, that concluded that R.L. and C.L. were safe to  
29 return home the day they were taken, and the same day the police report was reported which  
30

1 caused the constitutional deprivation of the Langs constitutional rights of familial association  
 2 without abusive government intervention.

3  
 4 80. It is alleged that this conduct and/or omissions was a pervasive failure to train municipal  
 5 employees and the policy of finding abuse in child abuse referrals was so well settled as to  
 6 constitute a custom and usage with the force of law when Jon Pfister, Reporting Officer and  
 7 Officer Goudschaal Assigned Officer were involved in the February 3<sup>rd</sup> 2017 investigation and  
 8 the 4-armed Vancouver Police along with 3 CPS Investigators Gonzalez, Martinez, and  
 9 Redmond entered the Langs home without a warrant, but with treats and intimidation, “I’ll go  
 10 get a warrant” and then I will come back...I’ll kick your door down” seized the C.L. and R.L.  
 11 and took property from the Langs home on February 3, 2017. Additionally, at all relevant  
 12 times Defendant Hsieh was employed by the AG, acted within the scope of his employment,  
 13 and thus was acting under color of law.

14  
 15  
 16  
 17 81. It is alleged that their constitutional deprivations went on for 425 days and involved  
 18 municipal employees Jon Pfister, Reporting Officer, Officer Goudschaal, Assigned Officer  
 19 and the 4-armed Vancouver Police had final decision-making authority and/or Jon Pfister,  
 20 Reporting Officer ratified their subordinates’ actions at the time the decisions were made  
 21 despite exculpatory evidence. These constitutional depravations were so It is widespread and  
 22 because it involved State Workers, law enforcement personnel

23  
 24 82. At all relevant times, the law enforcement along with Defendants DSHS Workers, and  
 25 Kimberly Copeland, MD, and Kathy Shirilla and Hsieh, acting individually and in concert, to  
 26 deny Plaintiffs’ rights guaranteed under RCW 26.44.010 when they seized the children,  
 27 because their conduct interfered with the bond between a child and his or her parent, when they  
 28 relied on incompetent evidence from Holly Lang to create child abuse. The incompetent  
 29  
 30

1 referent who did not want to participate in the investigation and the exculpatory evidence of  
2 no neglect or maltreatment of R.L. and C.L., they acted consistently with their policy and  
3 custom of finding abuse in child abuse cases that was so widespread and permanent and well  
4 settled as to constitute a custom and usage with the force of law.

6 83. It is alleged that Joh Pfister, Approving Officer, CPS investigators, Agents, and Dan  
7 Hsieh made the final policy decision or ratified the subordinates' acts and omissions with  
8 inflicted constitutional violations because those decisions resulted in a harmful placement  
9 decision for C.L. and R.L. which interfered with the bond between R.L. and C.L. and Dick and  
10 Joanna Lang. RCW 26.44.010.

12 84. In a manner that shocks the conscience, Vancouver law enforcement and the  
13 Defendants, DSHS employees violated Plaintiffs' substantive due process right to be free of  
14 abusive and oppressive government actions when 4-armed law enforcement officers  
15 (S.W.A.T) and 3 DSHS/CPS Investigators intruded on Plaintiffs' home and unjustifiably  
16 seized R.L. and C.L. from the Langs safe environment and placed them in separate abusive  
17 environments while adhering to the established custom an policy of finding abuse in child  
18 abuse cases that had the force of law, based on a referral from an incompetent referent who  
19 did not want to participate in the investigation. Then the Vancouver law enforcement and  
20 DSHS employees ignored exculpatory evidence from two medical professionals, threatened  
21 and intimidated the Langs to gain access to their home to seize the children and property,  
22 ignored the fact that law enforcement and Gonzalez was at the Langs' home on February 2,  
23 2017 but did not take R.L. into protective custody because there was no signs of maltreatment,  
24 negligent treatment, or imminent danger, which culminated in the unwarranted interference  
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1 in the Langs familial relationships, regardless of whether that interference can be described as  
2 shocking to the conscience.

3  
4 85. As a direct result of these actions, by all Defendants, Plaintiffs have suffered substantial  
5 damages. Joanna and Dick Lang lost the ability to raise, know, bond, and care for their children  
6 for 425 days, damaging their familial relationship and exposing the children to abuse and  
7 neglect in foster homes. Additionally, because of the intense stress of this ordeal, Dick Lang  
8 passed away on June 30, 2019.

9  
10 86. It is alleged that C Solis received and Sargent Brightbill, responded and assisted in a fire  
11 investigation at the Murlins home on 7/18/2017 after the Murlins left children unsupervised  
12 and one started a fire in the home. Both employees of Cowlitz County, City of Kelso ignored  
13 over crowded conditions at the Murlins (six children in a motor home and R.V.) one with special  
14 needs. Sargent Brightbill responded and assisted and had the final decision-making authority  
15 did not investigate but referred the case to the fire department. It is alleged that this a failure to  
16 train municipal employees to spot child abuse (i.e., fire and overcrowded conditions).

17  
18  
19 87. It is alleged that Deputy J Hammer, law enforcement of Cowlitz County, City of Kelso,  
20 received, responded to, and investigated child abuse at the Murlin's home. Deputy J Hammer  
21 received several reports from Joanna Lang. The first on 3-12-17 skinned knees, on 3/29/17  
22 Ms. Lang reported puncture wounds on the upper right thigh near his diaper on 4-26-17  
23 bruising near his spine, 6-28-17 bruising on his leg and dried blood in this shoe. She suspected  
24 that C.L. was being restrained around his ankles at bedtime due to the marks she observed on  
25 his ankles. On 9/18/2017 after a supervised visit with C.L., Ms. Lang reported that C.L. was  
26 unusually skinny, that he rapidly ate a bag of snacks. She suspected starvation. She also  
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1 reported a round burn mark on his lower back at the top of his buttock crack. She reported  
2 these injuries to law enforcement after C.L. began living with the Murlins.

3  
4 88. Law enforcement investigating such reports is authorized to photograph the victim for  
5 the purpose of providing documentary evidence of the physical condition of the child. RCW  
6 26.44.050. Here, Deputy J. Hammer took no photographs of the injuries that were reported  
7 on C.L. This act or omission is a pervasive failure to train the municipal employees so  
8 widespread as to constitute the force of law. This omission caused the further constitutional  
9 derivation of C.L.' right to be placed in a safe environment free from abuse and neglect.  
10 Deputy J Hammer's omission prolonged C.L.'s detention in an abusive environment.

11  
12  
13 89. It is alleged that Deputy J Hammer did investigate but relied on Sarah Coshow, DSHS  
14 Case Manager who determined that the living conditions to be fine and that the suspected  
15 cigarette burn was a bug bite, (i.e., fire in the home), that C.L was taken to the doctor a week  
16 ago and she had no concerns for C.L.'s safety. Ms. Coslow also advised Deputy J Hammer  
17 that Ms. Lang was trying to make things difficult for the Murlins and this is not her first report  
18 of abuse and that she did not see any reason for them to respond given her observations.  
19 Eimiko Murlin also pointed out to Deputy J Hammer that she had to put up a gate so C.L. does  
20 not fall out of bed. (i.e., restraints). Deputy J Hammer also spoke with C.L.'s teacher Merissa  
21 Cavaness that determined that the suspected burn mark was obviously not a burn mark. Coslow  
22 and J. Hammer knew that C.L. is non-verbal and suffers from Fragile X syndrome so he could  
23 not speak for himself. None of the interviewees had medical training to determine what all the  
24 marks on C.L.'s body were. C.L. needed a visit to Dr. Fuchs and Dr. Vuong's because he  
25 could not express himself. His mother tried to do that for him, but to no avail. Deputy J  
26 Hammer had evidence of six people living in two motor homes that did not comply and with  
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1 state standards, all the reports of abuse from Joanna Lang and he failed to act. Deputy Hammer  
2 knew C.L. is non-verbal because he suffers from Fragile X syndrome and could not speak for  
3 himself. Despite all these reports and the fact that C.L. could not speak for himself, Deputy J  
4 Hammer did not to call medical personnel to confirm that C.L. was not being abused, inflicting  
5 on the parents' fundamental rights in the care, custody, and management of their child protected  
6 by substantive due process under the Fourteenth Amendment.

7  
8  
9 90. Sarah Coslow and Deputy J. Hammer's final decision not to call for medical support  
10 for C.L. inflicted constitutional injuries to C.L. and the Lang Family. It could also be a denial  
11 of equal protection of the law and the 14<sup>th</sup> Amendment of the Constitution because of the race  
12 of Ms. Lang (Jewish) and disability of C.L. (Fragile X syndrome). It is alleged that this is a  
13 pervasive failure to train employees practicing a custom and policy so well settled as to  
14 constitute a custom and usage with the force of law.

15  
16  
17 91. It is also alleged that on or about or after 12/9/2017 Deputy J Hammer and Sargent  
18 Brightbill were aware of an independent investigation performed by Laura Anderson that  
19 showed the marks on C.L.'s body; the surveillance also informed law enforcement of the risks  
20 C.L. was subject to when the Murlins were traveling 80 to 90 miles per hour with C.L. in the  
21 car. Deputy J Hammer knew that Sarah Coslow did not interview C.L. because he was non-  
22 verbal and indicated that she did not feel that the allegations were founded. After the home  
23 and school visits Sarah Coslow did not have any concerns over the referral and there wasn't  
24 anything present to warrant or substantiate a criminal investigation. Sarah Coslow's only  
25 concern was the bio parent (Joanna Lang) of C.L. was potentially looking to fault CPS for  
26 negligence regarding placement. With all Ms. Lang's abuse allegations reported and pictures  
27 of C.L.'s injuries reported and Sarah Coslow determining that there is no need for a criminal  
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30

1 investigation, and her only concern was to absolve DSHS of fault, it is alleged that the failure  
 2 to investigate Ms. Langs reports of child abuse of C.L. was a pervasive failure to train  
 3 employees that was so well settled as to constitute a custom and usage with the force of law.

4  
 5 92. Sargent Brightbill, and Deputy J Hammer had the “final policy making authority” and  
 6 made decision to find no abuse and declare the file inactive.

7  
 8 93. As a direct and proximate cause, it inflicted constitutional injury on the Lang family  
 9 until May 21, 2018.

10 94. These actions caused mental and emotional damages to Plaintiffs and their children,  
 11 the likes of which are continuing.

12  
 13 95. The government intrusion onto the Langs life was the proximate cause to the  
 14 subsequent harm to the Lang family and the death of Dick Lang. Said conduct was intentionally  
 15 engaged in with malice and/or with reckless disregard for the rights of plaintiffs, such that an  
 16 award of exemplary and punitive damages is appropriate.  
 17

18 **VII. NEGLIGENT INVESTIGATION CAUSING EXPOSURE TO NEGLECT AND**  
 19 **MALTREATMENT, RCW 26.44.050**

20 96. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs  
 21 above as if set forth fully herein.

22  
 23 97. RCW 26.44.050 requires law enforcement and employees of the Department of Social  
 24 and Health Services(DSHS) to use reasonable care when investigating allegations of child  
 25 abuse.

26  
 27 98. A negligent investigation claim is available only when law enforcement or DSHS  
 28 conducts an incomplete and/or bias investigation that resulted in a harmful placement decision.

29 99. A harmful placement decision includes removing a child from a non-abusive home and  
 30 placing a child in an abusive home.

1 100. DSHS and VPD law enforcement must use reasonable care in investigating a child's  
2 living situation before making a placement decision. Additionally, the receipt of a report  
3 concerning the possible occurrence of abuse or neglect, the law enforcement agency or the  
4 department must investigate and provide the protective services section with a report in  
5 accordance with chapter 74.13 RCW, and where necessary refer such report to the court.  
6 However, here it is alleged that the DSHS-CPS, Investigators and VPD Law Enforcement's  
7 investigation was bias, incomplete, unreasonable, negligent, and procedurally improper and  
8 performed pursuant to a policy and custom of finding abuse in child abuse cases or out of spite,  
9 racism, and vindictiveness toward the Langs.

10 101. It is alleged that The DSHS Defendants Gonzalez, Redmon and Martinez, followed  
11 Gonzalez's lead despite her criminal history, and 4-armed VPD law enforcement officers,  
12 removed the children from a non-abusive home and placed them in abusive homes of the  
13 Murlins foster parents for C.L. and Vallembois, and Howard, foster parents for R.L when they  
14 all had in their possession exculpatory evidence from Dr. Fuchs and Dr. Vuong from February  
15 2, 2017 and February 3, 2017 where they found no negligent treatment or maltreatment and  
16 that the children were safe to return home, but DSHS and law enforcement removed the  
17 children anyway. No reasonable social worker or law enforcement officer would have  
18 believed it was lawful to remove the children given the exculpatory evidence. The Social  
19 workers and law enforcement's concealment of material evidence caused the harmful  
20 placement decision. The suppression of exculpatory evidence is a failure to exercise slight  
21 care and therefore grossly negligent conduct.

22 102. It is alleged that the CPS Investigators and law enforcement seized C.L. and R.L. from  
23 their home based on a mentally ill and incompetent referent who did not want to participate in  
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1 the investigation and witnesses who were not in Vancouver on January 1 and 4 2017 and in  
 2 disregard of medical examinations by two doctors who found no evidence that R.L. and C.L.  
 3 the children were being abused, seized R.L. and C.L. without a warrant contrary to RCW  
 4 26.44.050 the 14th amendment to the Constitution.

6 103. It is alleged that ~~The Defendant~~ social workers ~~for the State of Washington~~ and 4 armed  
 7 ~~the~~ City of Vancouver police officers without a valid warrant, nonetheless appeared at the  
 8 Langs home on multiple occasions and ultimately caused their children to be from the home  
 9 for 425 days, without good cause, despite a determination of no imminent danger on February  
 10 2, 2017 when a uniformed police officer and a CPS Investigator Gonzalez spoke to R.L.  
 11 assessed the situation and did not to take R.L. into protective custody.

14 104. It is alleged that three Social workers and the four-armed City of Vancouver law  
 15 enforcement returned on February 3, 2017 without a warrant and used intimidation and threats,  
 16 “when I come back with a warrant, I’ll kick your door down” to gain access into the Langs  
 17 home. Warrantless searches and seizures are per se illegal. No reasonable social worker or  
 18 law enforcement officer would have removed the children in violation of the law and knowing  
 19 that there was no imminent danger to the children. Defendants’ adherence to its custom and  
 20 policy of finding child abuse in child abuse cases made the investigation bias and unreasonable  
 21 which proximately caused the removal of the children from a safe home to an abusive one.

24 105. It is alleged that these acts or omissions are a failure to exercise slight care which  
 25 constitutes gross negligence.

27 106. It is alleged that the Defendants DSHS-CPS and law enforcement failed to adequately  
 28 investigate, the children’s living situation before removing them from their parents’ care and  
 29 failed to adequately investigate or follow up with the foster parents after they placed C.L. and  
 30

1 R.L. in separate foster care homes. Defendants knew of the exculpatory evidence from Drs.  
2 Fuch and Vuong and of C.L.'s Fragile X syndrome and had access to records that would have  
3 shown he had greatly deteriorated during his time with the Murlins but chose not to act. It is  
4 alleged that DSHS and law enforcement conducted an incomplete investigation that proximately  
5 resulted in a harmful placement decision for C.L. and R.L.

6  
7 107. It is alleged that these acts or omissions is the failure to exercise slight care and  
8 therefore grossly negligent conduct by DSHS and law enforcement.

9  
10 108. It is alleged that DSHS employees either Area Administrator Beth Kutzera, or Jennifer  
11 White, Supervisor, entered the Langs name into the Child Abuse Management Information  
12 System (CAMIS) without notice and opportunity to be heard based on incompetent evidence  
13 with knowledge of exculpatory evidence. No reasonable social worker would enter names into  
14 a CAMIS with knowledge of exculpatory evidence. Reports of child abuse and neglect shall  
15 be maintained and disseminated with strictest regard for the privacy of the subjects of such  
16 reports and to safeguard against arbitrary, malicious, or erroneous information or actions. The  
17 only explanation about their conduct was to interfere with child-raising practices, and the  
18 child's health, welfare and safety of the Ms. Lang's family unit and her future ability to adopt  
19 minority special needs children. Their conduct is indicative of their racial animosity toward  
20 the Langs which exhibits a bias investigation.

21  
22 109. It is alleged that this act by DSHS employees failing to provide the Langs notice and  
23 an opportunity to be heard is a violation of the equal protection clause of the 14<sup>th</sup> amendment  
24 and thus violations of the United States Constitution, Washington Constitution because the  
25 DSHS employees deprived the Lang right of life, liberty, and property without and due process  
26 of law.

110. It is alleged that the Social workers failed to exercise slight care therefore their conduct was grossly negligent.

111. It is alleged that Defendants Sarah Coshow, Case Manger failed to investigate the foster parents Vallembois, and Howard who verbally abused R.L. Defendant foster parent Howard subjected R.L. to a sexually charged strip search, and Howard and Vallembois assaulted R.L. by subjecting him to a needle injection of an unknown medication without the consent of the Langs. Knowing R.L. had an intellectual disability no reasonable social worker would believe that it would be lawful to have a foster child strip searched and injected with a needle without the consent of the bio-parent. It is alleged that Sarah Coshow, Case Manager failed to act therefore conducted an incomplete and biased investigation that proximately resulted in the prolonged harmful placement decision for R.L.

112. It is alleged that these acts or omissions by Sarah Coslow was the failure to act with slight care and is therefore grossly negligent conduct.

113. It is alleged that Investigator Sarah Coslow, Sargent Troy Brightbill, and Deputy J Hammond, Cowlitz County Sheriffs did not use reasonable care in investigating the complaints from Ms. Lang. They It is alleged that Sarah Coslow, Sargent Troy Brightbill, and Deputy J Hammer conducted an incomplete and biased investigation. Sarah Coslow, Case Manager and Deputy J Hammer's knew about the photographs taken by Ms. Lang that show that C.L. lost extreme amounts of weight while he was in the Murlins' care. See Exhibit 5 and Exhibit 16-A. Sarah Coslow, Sargent Brightbill and Deputy J Hammond observed the overcrowded conditions with six children living to trailers and Sarah Coslow and Deputy J Hammer received multiple complaints of child abuse from Ms. Lang. The lack of supervision of the Murlins exposed C.L. to a fire risk when another foster child set fire to the Murlin home. C.L. was

1 forced to live in illegally overcrowded conditions. ~~drove C.L. him~~ Additionally, the  
2 investigative report from Laura Andersen showed the Murlins traveling in an automobile at  
3 unsafe speeds. Given all these complaints of abuse and the fact that C.L. suffers from Fragile  
4 X syndrome and is nonverbal he could not speak for himself. Coslow and J. Hammer failed to  
5 act when they made a final policy decision not to call medical personnel to determine whether  
6 C.L. is being abused. Their conduct was unreasonable and bias because no reasonable social  
7 worker or law enforcement would not further investigate Ms. Langs complaints.

10 114. As a proximate cause C.L. remained in the abusive foster home of the Murlin's April  
11 4, 2018.

13 115. It is alleged that the failure to provide C.L. medical personnel because he is not verbal  
14 is a failure to exercise slight care which amounts to gross negligence.

15 116. Kimberly Copeland, MD, is an employee of Legacy Salmon Creek Hospital and a  
16 member of the Child Abuse Assessment Team and was involved in the investigation. She has  
17 an affirmative duty to expose child abuse or lack thereof as a mandatory reporter. It is alleged  
18 that Kimberly Copeland, adhered to the well settled custom or policy of finding abuse in child  
19 abuse referrals when the result of her report dated March 7, 2017 was in direct contradiction  
20 of two prior independent doctors' reports from February 2, 2017 and February 3, 2017 that  
21 found no abuse and the children were safe to return home. Her contradiction caused the  
22 children to be taken from a safe environment (the Lang home) and placed in a harmful and  
23 abusive living situation with the Murlins for C.L. and Steve Vallembois and Jimmy Howard  
24 for R.L. Though not a municipal or county employee or a social worker, as a medical doctor  
25 she is trained to do no harm. It is alleged no reasonable medical doctor would participate in the  
26 removal of children from a safe environment and place them in an abusive home considering

1 the medical evidence that determined that the children were safe to return home the day they  
2 were taken into custody.

3  
4 117. Legacy Salmon Creek Hospital “Legacy” has the right, ability, and duty to control  
5 Kimberly Copeland, MD as she is a member of the Child Abuse Assessment Team with  
6 speaking authority. Legacy failed to control the conflicting reports from the same hospital or  
7 Dr. Copeland’s suppression of exculpatory evidence and testimony at the dependency hearing.  
8 Plaintiffs alleges Kimberly Copeland, MD failed to exercise slight care and therefore grossly  
9 negligence, which is imputed to Legacy, as a respondent superior, because Dr. Copeland was  
10 acing within the scope of employment.

11  
12  
13 118. Kimberly Copeland, MD never evaluated C.L. so she had no personal knowledge about  
14 his condition. Her March 7, 2017 report prolonged the detention of C.L. in the abusive home  
15 of the Murlins. It is alleged that Dr. Copeland omission was a failure to exercise slight care  
16 in her participation in the investigation which amounted to gross negligence.

17  
18 119. As a direct and proximate cause of Kimberly Copeland, MD acts or omissions, in  
19 concert with all other defendants aided in the removal of C.L. and R.L., from a safe  
20 environment to an abusive home.

21  
22 120. It is alleged that in the process of these acts or omissions Dick Lang died of the stress  
23 related conditions caused by the stress of battling to get his sons C.L. and R.L. back to their  
24 safe home.

25  
26 121. Kathy Shirilla is the agent for CASA as a court appointed guardian ad litem for R.L.  
27 and C.L. She had a fiduciary duty to protect their rights. It is alleged that she breached that  
28 duty by suppressing exculpatory evidence from Drs. Fuchs and Vuong during the  
29  
30

1 investigation, and at every court proceeding that she appeared at after February 3, 2017 up to  
 2 and including the testimony at the dependency proceeding.

3  
 4 122. It is alleged that her suppression of exculpatory was a failure to exercise slight care and  
 5 therefore grossly negligent conduct. As proximate cause of her breach R.L. and C.L. remained  
 6 in abusive foster homes and suffered damages the likes which are continuing.

7  
 8 123. Kathy Shirilla is an agent of CASA. She is court appointed to represent the Lang  
 9 children as guardian et litem. Though her advocacy the Langs lost half of their visitation with  
 10 C.L. and R.L. Furthermore, at every court proceeding that Kathy Shirilla appeared after  
 11 February 3, 2017 up to and including the testimony at the dependency proceeding, she did not  
 12 reveal the exculpatory evidence that opined that the children are safe to return home the same  
 13 day they were taken. It is alleged that this is a breach of the fiduciary duty she had toward the  
 14 children is imputed to CASA under the doctrine of vicarious liability because her acts and  
 15 omissions inflicted harm to the Lang family.

16  
 17  
 18 124. It is further alleged that Kathy Shirilla's breach of her fiduciary duty was failure to  
 19 exercise slight care which is gross negligent conduct.

## 20 **VIII. FRAUD**

21  
 22 125. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs  
 23 above as if set forth fully herein.

24  
 25 126. It is alleged that At all relevant times defendant Hsieh was employed by the Office of  
 26 Attorney General as an Assistant Attorney General. (AG) acted within the scope of his  
 27 employment, and thus was acting under color of law when Hsieh brought an ex parte motion  
 28 filed for an ex-parte pick up order on February 3, 2017 to remove R.L. and C.L. from the safety  
 29 of their family and placing them in the abusive homes of the Murlins foster parents for C.L.  
 30

1 and Vallembois and Howard, foster parents for R.L. and filed a dependency petition on  
 2 September 8, 2017, knowing of the visit by law enforcement and Gonzalez on February 2,  
 3 2017 where they did not take R.L. into custody and the exculpatory evidence from Drs. Fuchs  
 4 and Vuong.

6 127. Mr. Hsieh, Area Administrator Beth Kutzera, Investigator Kaytena Gonzalez, Jay  
 7 Redmond, CFWS Social Worker Aaron Merino, and CFWS Social Worker Jaimee Scheffler,  
 8 and Kimberly Copeland, MD, and CASA Kathy Shirilla controlled the flow of information to  
 9 the court when Ms. Shirilla testified at a 3/21/17 Motion Hearings to suspend all visitations  
 10 but the court cut the visitation in half. In that hearing she never mentioned that the children  
 11 were safe to return home since February 3, 2017.

14 128. It is alleged that all the above defendants testified at the Dependency Trial, was where  
 15 aware of but deliberately failed to present to the court with exculpatory evidence from Dr.  
 16 Fuchs and Dr. Voung. The DSHS employees have a duty to be candid to the tribunal. The oath  
 17 requirement is involved in every proceeding involving sworn testimony. No reasonable social  
 18 worker, medical personnel, or guardian et litem, involved in protecting children from child  
 19 abuse would suppress exculpatory evidence to perpetuate the prolonged separation of the Lang  
 20 family unit. Suppressing exculpatory evidence is failure to exercise slight care and grossly  
 21 negligent conduct.

24 129. As a result of the suppression of exculpatory evidence from their testimony in every  
 25 proceeding after February 3, 2017, R.L. and C.L. remained removed from the Plaintiffs for 425  
 26 days and the Plaintiffs suffered damages, including the death of Dick Lang.

## 28 IX. DEFAMATION

1 130. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs  
2 above as if set forth fully herein.

3 131. At all relevant times, DSHS-CPS Area Administrator Beth Kutzera Investigators,  
4 Kaytena Gonzalez, Jay Redmond, CFWS Social Worker Aaron Merino, and Jaimee Scheffler  
5 are employed by DSHS, is employed by DSHS acted within the scope of their employment,  
6 acted consistently with the official policy and custom of DSHS of finding child abuse in child  
7 abuse cases and thus were acting under and color of law. It is alleged that a CPS investigator  
8 told Dr. Young that Joanna Lang had “mental problems” and that there was “possible neglect  
9 in caring for R.L. and C.L.” No reasonable social worker would lie to convince a doctor to find  
10 child abuse. This conduct shows their deliberate indifference to the Langs rights when the  
11 social workers would lie to Dr. Young to remove C.L. and R.L. from the Lang’s home. Given  
12 the ~~lack of investigation~~ intentional nature by the Defendants up to that point, it is alleged that  
13 their conduct was indifferent, negligent, and reckless. It is further alleged that it could have  
14 only be done for one purpose, to destroy the Lang family unit. Disparaging Ms. Lang is a  
15 failure to exercise slight care that amounted to gross negligence.

16 132. Additionally, ~~a DSHS-CPS Worker~~ Investigator Kaytena Gonzalez, reported Joanna  
17 Lang to APS alleging abuse of Dick Lang, knowing this statement lacked any factual basis.  
18 This is another example of DSHS-CPS Investigator Kaytena Gonzalez’s deliberate  
19 indifference toward the Langs constitutional rights. False reporting of a crime is a failure to  
20 exercise slight care that amounted to gross negligence.

21 133. It is alleged that these defamatory statements and false reporting are examples how  
22 false allegations cast Joanna Lang in a false light with other DSHS Social Workers and  
23 professionals and entities involved in the investigation such as Sarah Coshow, Case Worker,  
24

CFWS Social Workers Aaron Merino and Jaimee Scheffler Social Worker and law enforcement, Jon Pfister, Reporting Officer, Officer Goudchaal, Dan Hsieh, AAG, CASA, Kathy Shirilla, Kimberly Copeland, MD, Legacy, Sargent Brightbill and Deputy J Hammond and the 4 armed uniformed officers who accompanied Gonzalez in February 3, 2017, not only did the false reporting damaged Joanna Lang's ~~her~~ reputation among social and health workers, agents and law enforcement involved with the Lang family, ~~and~~ it caused Joanna Lang to be subjected to ridicule and hatred which exposed her to unwarranted and vindictive APS and child abuse investigations, and when Ms. Lang reported abuse to DSHS the City of Vancouver, law enforcement, and the Cowlitz County Sheriff's, City of Kelso, Sargent Brightbill and Deputy J Hammer, no one would believe her because they believed that her reports were full of false information, and she had "mental problems" which helped maintain the government's continual detention of C.L. and R.L in abusive homes away from the Lang's home for 425 days.

134. As a proximate cause these defamatory statements caused additional damages to Plaintiffs, the likes of which are continuing.

#### **X. WRONGFUL DEATH, RCW 4.20.010**

135. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs above as if set forth fully herein.

136. When the death of a person is caused by the wrongful act, neglect, or default of another person, his or her personal representative may maintain an action against the person causing the death for the economic and noneconomic damages sustained by the beneficiaries RCW 4.20.020.

137. It is undisputed that the bond between a child and his or her parent, custodian, or guardian is of paramount importance, and any intervention into the life of a child is also an intervention into the life of the parent. It is alleged that Defendants DSHS-CPS employees and VPD Law Enforcement, City of Kelso Law enforcement, CASA, Kathy Shirilla and Kimberly Copeland, MD, by collective acts and/or omissions separated the Lang family and kept the children detained for 425 days in abusive homes.

138. At all relevant times, Defendant DSHS employees are employed by DSHS, law enforcement was employed by their respective municipal employers and agents with speaking authority acted within the scope of their employment, acted consistently with the policy of DSHS, thus were acting under color of law. Adhering to the widespread custom and practice of finding child abuse in child abuse cases, no reasonable social worker, law enforcement officer, medical doctor, or guardian et litem would suppress exculpatory evidence and embrace materially false and misleading information which caused the prolonged harmful placement of C.L. and R.L. which caused the stress and anxiety of battling the defendants to return his sons which caused the death of Dick Lang. Additionally, at all relevant times defendant Hsieh was employed by the AG, acted within the scope of his employment, and thus was acting under color of law when he too ignored exculpatory evidence from Mr. Fuch and Dr. Young from February 2, 2017 and February 3, 2017 shows the depraved indifference to the constitutional rights of the Langs.

139. As a direct and proximate cause Joanna Lang and her children suffered emotional trauma the likes of which are continuing.

#### **XI. DISCRIMINATION, 42 U.S.C. § 2000d et seq., RCW 49.60.030**

140. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs

1 above as if set forth fully herein.

2 141. The Lang family have the right to be free from discrimination because of race. RCW  
 3 49.60.030. They also have the right to make personal choices in matters of family life that are  
 4 fundamental liberty interests protected by the Equal Protection Clause of the Fourteenth  
 5 Amendment. It is alleged that ~~At~~ all relevant times, the social workers employed by DSHS,  
 6 acted within the scope of their employment, acted consistently with the policy of DSHS, and  
 7 thus were acting under color of law when they failed to provide medical treatment to C.L. for  
 8 the abusive treatment at the Murlins when he is non-verbal. Failed a proscribe wheelchair and  
 9 guide dog to C.L. Other Caucasian children without a disability were not subject to this abuse  
 10 by the State of Washington, City of Vancouver, City of Kelso CASA, and Legacy.

14 142. As stated above, the Langs are white and Jewish. R.L. and C.L. are minority and have  
 15 special needs.

16 143. Plaintiffs allege that ~~all~~ DSHS Defendants, the City of Vancouver, law enforcement  
 17 Cowlitz County law enforcement Kimberly Copeland, MD, and Kathy Shirilla, gave better  
 18 treatment to similarly situated families and children who were not mixed-race and/or not  
 19 minority or adopted by Jewish parents or disabled. Defendants' pattern of behavior is  
 20 unexplainable ~~on grounds other than~~ harboring a discriminatory animus which was a  
 21 substantial factor to the bias investigation. Religion and race are fundamental rights. It is  
 22 alleged that all Defendants' conduct violated RCW 46.60.030, the Equal Protection Clause  
 23 the Fourteenth Amendment of the Constitution when they conducted a bias investigation.

24 144. As a result of this discrimination, the Plaintiffs suffered damages, the likes of which  
 25 are continuing.

**XII. CIVIL VIOLATION OF THE RACKETEER INFLUENCED AND CORRUPT ORGANIZATION (RICO) LAW, 18 U.S.C. §§ 1961-1968**

145. Plaintiffs hereby incorporate all the allegations set forth in above in the paragraphs above as if set forth fully herein.

146. At all relevant times, DSHS employees, City of Vancouver and the City of Kelso law enforcement, CASA, agent Kathy Shirilla and Kimberly Copeland, MD agent of Legacy, acted within the scope of their employment, acted consistently with the policy of DSHS, official policies or established customs of finding child abuse in child abuse referrals were acting under color of law. Collectively, by adhering to their official policies or established customs coupled with their concealment of material evidence, proximately resulted the harmful placement decision and prolonged the detention of C.L. and R.L. in abusive foster homes.

147. Plaintiffs alleges a claim under the Racketeer Influenced and Corrupt Organization Act (RICO) because their acts and omissions could be considered to be a crime. RCW 9A.40.020:

- a. Each element of each predicate act exists (Plaintiffs have completely pled the causes of action listed above);
- b. An “enterprise” exists (the Defendants DSHS, City of Vancouver, City of Kelso, CASA, and Legacy are all associated in law and in fact by actions or omissions);
- c. A pattern of “racketeering activity” exists (there was a pervasive failure to train municipal employees, that was so widespread that it consumed two counties and became a force of law and the municipal employees, had final policy making authority or ratified the decisions of their subordinates, a pattern of negligent and bias investigation, exists by suppressing exculpatory evidence which resulted in the unjustified removal and separation of R.L. and C.L. for 425 days. Discriminatory and perhaps culpable conduct toward the Plaintiffs demonstrated by the unjustified

- 1        ~~removal and separation of the children, by Defendants DSHS-CPS, the City of~~  
2        ~~Vancouver Kimberly Copeland, MD.~~
- 3
- 4        d. The defamation, shows the indifference of the Defendants DSHS-CPS investigators  
5        and social workers, the City of Vancouver and the City of Kelso, law enforcement,  
6        CASA, and Legacy, were so pervasive and widespread among the entities that the  
7        suppression of exculpatory evidence kept the Lang's family apart for 425 days. of  
8        Joanna Lang, by and the failure of DSHS/CPS Mr. Redman and to provide C.L. with  
9        a prescribed wheelchair, guide dog, and host of other DSHS services);
- 10
- 11        e. There is a threat that the pattern will continue because there is no guarantee that  
12        DSHS-CPS employees, the City of Vancouver, law enforcement City of Kelso, law  
13        enforcement, CASA, and Legacy would not engage in actions or omissions and  
14        concealment of material evidence to justify the removal of other minority and disabled  
15        children in the future.
- 16
- 17        f. There is no guarantee that DSHS employees, law enforcement, and Kimberly  
18        Copeland, MD and CASA, Kathy Shirilla will not remove the children again should  
19        DSHS receive another referral from an incompetent referent against Joanna Lang or  
20        other families caring for minority disabled children.); and
- 21
- 22        g. There is a sufficient nexus between the injury Plaintiffs suffered and the pattern of  
23        conduct by DSHS, the City of Vancouver, law enforcement, City of Kelso law  
24        enforcement, CASA, Agent Kathy Shirilla, and Legacy employee Kimberly  
25        Copeland, MD, all participated by the acts or omissions which perpetuated and  
26        prolonged the wrongful/harmful placement, by the failure to train, municipal  
27        employees, which exhibited inflicted constitutional injury; by conducting an
- 28
- 29
- 30

incomplete and bias investigation, in their failure to exercise slight care; along with  
their discriminatory actions, which was a substantial factor to the bias investigation  
 and defamatory conduct that proximately caused the Plaintiffs' injuries, including the  
 death of Dick Lang).

### **XIII. DEMAND**

148. WHEREFORE, the Plaintiffs pray for Judgment against all Defendants, and respectfully request this Court:

- a. Award compensatory damages, both general and special, according to proof at trial;
- b. Award exemplary and punitive damages as allowed by law;
- c. Award attorney fees and costs;
- d. Treble damages under 18 U.S.C. §§ 1961-1968;
- e. Award such other relief as the Court deems proper;
- f. Grant Plaintiffs a protective order against retaliatory action by DSHS-CPS; and
- g. Grant Plaintiffs leave to amend this Complaint as discovery proceeds.

DATED this 17 day of May 2021.

s/Kevin L. Johnson  
 KEVIN L. JOHNSON, WSBA #24784  
 Attorney for Plaintiffs